

रजिस्टर्ड नं ० एस० एम० १४



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शुक्रवार, 18 अप्रैल, 1975/28 चंत्र, 1897

GOVERNMENT OF HIMACHAL PRADESH

LAW DEPARTMENT

NOTIFICATION

Simla-2, the 8th April, 1975

No. LLR-D(6)1/75.—The Himachal Pradesh Municipal (Amendment) Bill, 1975 (Bill No. 4 of 1975) after having received the assent

of the Governor, Himachal Pradesh, on the 5th April, 1975, under Article 200 of the Constitution of India, is hereby published in the Raj-patra, Himachal Pradesh, as Act No. 8 of 1975.

M. C. PADAM
Under Secretary

Act No. 8 of 1975

THE HIMACHAL PRADESH MUNICIPAL (AMENDMENT)
Act, 1975

AN

ACT

to amend the Himachal Pradesh Municipal Act, 1968 (Act No. 19 of 1968).

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Twenty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Himachal Pradesh Municipal (Amendment) Act, 1975.
(2) It shall come into force at once.

1968 2. After section 216 of the Himachal Pradesh Municipal Act, 1968, the following new chapter shall be added, namely:—

Short title
and com-
mencemen

Insertion of
new Chap-
ter IX-A.

“CHAPTER IX-A

PREVENTION OF SOIL EROSION AND HILL SIDE SAFETY

216—A. *Regulation of felling of trees within municipal limits.*—(1) No person shall fell any tree whether belonging to him or otherwise of the prescribed class within the jurisdiction of any Municipal or Notified Area Committee in the State or of the Municipal Corporation, Simla, except under a permit obtained from the prescribed authority in the prescribed manner.

Explanation.—For the purposes of this Chapter the expression “felling of tree” shall include cutting or destroying or causing or suffering to be cut or destroyed any tree but shall not include *bona fide* pruning, trimming or otherwise altering shrubs or fruit trees for purely horticultural purposes and other petty acts, such as, the cutting of twigs, digging of ferns and the like from which no material harm of any kind to person or property is likely to result.

(2) No application for grant of permit for felling of tree shall be entertained unless it is accompanied by a fee of Rs. 5 which amount shall be utilised for fresh plantation.

(3) Notwithstanding anything to the contrary contained in any law for the time being in force,—

(i) a breach of the provisions of sub-section (1) or abetment of breach thereof in respect of cutting or destroying of each tree of the prescribed class shall be a separate offence and shall be punishable with imprisonment which may extend to three months and with fine which shall not be less than one thousand rupees;

- (ii) when any person is convicted for breach of the provisions of sub-section (1), the court convicting such person shall, in addition to the punishment imposed, order forfeiture in favour of the concerned municipal authority, of any tree/fuel/timber in whatever form it may have been converted and in respect of which the breach of the provisions of sub-section (1) is made and in case such tree/fuel/timber are not available for forfeiture the market value thereof as determined by the court shall be recoverable from him in the same manner as fine imposed;
- (iii) no offence or breach of the provisions of sub-section (1) shall be compounded by any authority empowered to compound, without providing for forfeiture of the tree, fuel or timber in favour of the concerned municipal authority; and
- (iv) any officer especially empowered in this behalf by the State Government, having reason to believe that a breach of such provision of the Act has been committed or is likely to be committed, may seize the tree, fuel or timber in respect of which such breach has been committed and also all tools used or likely to be used in the commission of such offence and all these articles shall on conviction of the offender or on the composition of the offence be forfeited to the concerned municipal authority.

Explanation.—For the purpose of this sub-section the term “municipal authority” means the Municipal Corporation, Municipal Committee or Notified Area Committee, as the case may be.

(4) The State Government may make rules consistent with this Act to carry out the purposes of this chapter and all such rules shall be laid, as soon as may be, after these are made, before the Legislative Assembly while it is in session, for a total period of not less than fourteen days which may be comprised in one session or in two or more successive sessions and if before the expiry of the session in which it is so laid or the sessions aforesaid, the Assembly makes any modification in the rules or decides that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under such rules.”.

Repeal and saving.

3. The Himachal Pradesh Municipal (Amendment) Ordinance, 1975 is hereby repealed.

1 of 1975

Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.